

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: **Fischer et al.**

Confirmation No.: **5930**

Application No.: **09/605,953**

Examiner: **Walter F. Briney III**

Filed: **06/28/2000**

Group Art Unit: **2615**

For: **METHOD AND APPARATUS FOR NON-DISRUPTIVE  
TELECOMMUNICATION LOOP CONDITION DETERMINATION**

Attorney Docket No.: **Fischer 33-45-25**

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to Applicants' duty of disclosure set forth in 37 C.F.R. §§ 1.56, 1.97 and 1.98, the following information is disclosed to aid the Examiner in his/her examination of the application. The inclusion of information in this Disclosure Statement and as set forth on the attached form PTO-1449 is not a concession that such information is prior art to the present invention or that such information is in an art area analogous to the present invention.

This Information Disclosure Statement is being filed under 37 C.F.R. 1.97(i) after payment of the issue fee but before the issuance of any patent.

Under 37 C.F.R. 1.97(i), "if an information disclosure statement does not comply with either this section or § 1.98, it will be placed in the file but will not be considered by the Office." MPEP § 609(B)(4)(a) clarifies that "[a]fter the issue fee has been paid on an application, it is impractical for the Office to attempt to consider newly submitted information. Information disclosure statements filed after payment of the issue fee in an application will not be considered but will merely be placed in the application file." As such, Applicants request that the Information Disclosure Statement filed herewith be placed in the file in accordance with 37 C.F.R. 1.97(i).

Applicants submit that this application is in condition for allowance notwithstanding the information filed herewith. Such information is not material to patentability under 37 C.F.R. § 1.56(b), because it neither establishes a prima facie case of unpatentability (either alone or in combination with other references) nor refutes the positions that the Applicants have taken in prosecuting this application. Applicants are nevertheless submitting this information in an abundance of caution and with due regard for the guidance set forth in MPEP § 2004 (10): "When in doubt, it is desirable and safest to submit information" to the Office for consideration.

As such, Applicants respectfully request that the Examiner indicate his receipt of the information described herein and on the attached form PTO-1449 by initialing

the enclosed PTO-1449 form at the indicated location. It is also requested that Applicants be provided with the copy of the initialed PTO-1440 form for their records.

This Information Disclosure Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17(p). The Office is further authorized to charge any additional fees that may be required to customer deposit account no. 19-5425.

Respectfully submitted,

Date: September 25, 2006

/David L. Cargille/

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